

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 22-14026-CC

Caption: MICHAEL DAVIS, individually and on behalf of all others similarly situated VS. PROFESSIONAL PARKING MANAGEMENT CORPORATION and YSA ARM LLC d/b/a OXYGEN XL	District and Division: <u>USDC Southern District of Florida</u> Name of Judge: <u>K. Michael Moore</u> Nature of Suit: <u>Consumer Credit</u> <hr/> Date Complaint Filed: <u>04/26/22 (Broward County Circuit Court)</u> District Court Docket Number: <u>0:22-cv-61070-KMM</u> <hr/> Date Notice of Appeal Filed: <u>11/29/2022</u> <input type="checkbox"/> Cross Appeal <input checked="" type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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For Appellant:	Attorney Name	Mailing Address	Telephone, Fax, Email
<input checked="" type="checkbox"/> Plaintiff	Daniel DeSouza	3111 N. University Dr.,	877-437-6228
<input type="checkbox"/> Defendant		Suite 301, Coral	
<input type="checkbox"/> Other (Specify)		Springs, FL 33065	

For Appellee:	Attorney Name	Mailing Address	Telephone, Fax, Email
<input type="checkbox"/> Plaintiff	Devin Freedman	1 SE 3rd Avenue	305-971-5943
<input type="checkbox"/> Defendant		Suite 1240	
<input type="checkbox"/> Other (Specify)		Miami, FL	
		33131	

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question	<input checked="" type="checkbox"/> Final Judgment, 28 USC 1291	<input checked="" type="checkbox"/> Dismissal/Jurisdiction	Amount Sought by Plaintiff: \$ _____
<input type="checkbox"/> Diversity	<input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1)	<input type="checkbox"/> Default Judgment	Amount Sought by Defendant: \$ _____
<input type="checkbox"/> US Plaintiff	<input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b)	<input type="checkbox"/> Summary Judgment	Awarded: \$ _____
<input type="checkbox"/> US Defendant	<input type="checkbox"/> Interlocutory Order, Qualified Immunity	<input type="checkbox"/> Judgment/Bench Trial	to _____
	<input type="checkbox"/> Final Agency Action (Review)	<input type="checkbox"/> Judgment/Jury Verdict	Injunctions:
	<input type="checkbox"/> 54(b)	<input type="checkbox"/> Judgment/Directed Verdict/NOV	<input type="checkbox"/> TRO <input type="checkbox"/> Granted
		<input type="checkbox"/> Injunction	<input type="checkbox"/> Preliminary <input type="checkbox"/> Denied
		<input type="checkbox"/> Other _____	<input type="checkbox"/> Permanent

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No
What is the issue you claim is one of First Impression? _____
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☐ Yes ☒ No
If Yes, provide
(a) Case Name/Statute _____
(b) Citation _____
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
If Yes, provide
(a) Case Name _____
(b) Citation _____
(c) Docket Number if unreported _____
(d) Court or Agency _____
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Whether the District Court properly dismissed Plaintiff's claim with prejudice as a result of Plaintiff not alleging that he paid the parking ticket/citation issued by appellee Professional Parking.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 24th DAY OF January, 2023.

Daniel DeSouza, Esq.

NAME OF COUNSEL (Print)

/s/ Daniel DeSouza

SIGNATURE OF COUNSEL